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13 *Attorneys for Plaintiffs*

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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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18 **HARVEST ROCK CHURCH, INC.,**
19 **and HARVEST INTERNATIONAL**
20 **MINISTRY, INC., itself and on**
21 **behalf of its member churches in**
22 **California,**

23 Plaintiffs,

24 v.

25 **GAVIN NEWSOM, in his official**
26 **capacity as Governor of the State of**
27 **California,**

28 Defendant.

2:20-cv-06414JGB(KKx)

**STIPULATION REGARDING
FINAL JUDGMENT ENTERING
PERMANENT INJUNCTION,
AWARDING ATTORNEY'S FEES
AND DISMISSING ACTION**

**AND REQUEST FOR EXPEDITED
CONSIDERATION**

Judge: The Honorable Jesus G.
Bernal

Action Filed: 7/17/2020

1 Plaintiffs Harvest Rock Church, Inc., and Harvest International Ministry, Inc.
2 and Defendant California Governor Gavin Newsom stipulate as follows:

3 1) In July 2020, Plaintiffs filed the complaint in this case against Defendant,
4 challenging the State's restrictions on houses of worship imposed in connection
5 with the COVID-19 pandemic. The parties have litigated this matter in this Court,
6 the Ninth Circuit, and the Supreme Court since that filing.

7 2) Although Defendant continues to dispute Plaintiffs' claims, Defendant as
8 well as Plaintiffs wish to resolve this matter now and hereby consent to entry of
9 judgment in favor of Plaintiffs, and to entry of a permanent injunction and order of
10 dismissal in the form submitted as Exhibit A herewith.

11 3) Entry of the stipulated permanent injunction and order of dismissal will
12 fully resolve this civil action and related appeal. After this Court's entry of the
13 stipulated injunction, Plaintiffs will dismiss their pending appeal of this Court's
14 denial of preliminary injunctive relief.

15 4) The parties respectfully request the Court's expedited consideration of this
16 Stipulation and entry of the permanent injunction. The parties currently have a
17 briefing deadline in the Ninth Circuit appeal on May 14, 2021. This Court's prompt
18 entry of the permanent injunction prior to that deadline would facilitate the
19 dismissal of the appeal without the need for an interim motion to stay the briefing
20 deadline.

21 4) The stipulated permanent injunction will be entered under Federal Rule of
22 Civil Procedure 65 and will constitute the final judgment in this matter.

23 5) Defendant shall pay Plaintiffs the sum of \$1,350,000 for Plaintiffs'
24 reasonable attorney's fees and costs necessarily incurred in this case. Pursuant to 28
25 U.S.C. § 1961, post-judgment interest shall begin to accrue 60 days from the date
26 the Court signs the final judgment.

27 6) This Court should retain jurisdiction over this matter for the purpose of
28 implementing and enforcing the final judgment.

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Dated: May 10, 2021

Respectfully submitted,
ROB BONTA
Attorney General of California
BENJAMIN M. GLICKMAN
Supervising Deputy Attorney General

/s/ Seth E. Goldstein
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Deputy Attorney General
Attorneys for Defendant
Governor Gavin Newsom

LIBERTY COUNSEL

/s/ Horatio G. Mihet
HORATIO G. MIHET
Attorneys for Plaintiffs

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**HARVEST ROCK CHURCH, INC.,
and HARVEST INTERNATIONAL
MINISTRY, INC., itself and on
behalf of its member churches in
California,**

Plaintiffs,

v.

**GAVIN NEWSOM, in his official
capacity as Governor of the State of
California,**

Defendant.

2:20-cv-06414JGB(KKx)

**[PROPOSED] FINAL JUDGMENT
ENTERING PERMANENT
INJUNCTION, AWARDED
ATTORNEY'S FEES AND COSTS,
AND DISMISSING ACTION**

Judge: The Honorable Jesus G.
Bernal

Action Filed: 7/17/2020

It is hereby **ORDERED** that Defendant, Gavin Newsom, in his official capacity as Governor of the State of California, all State officers, agents, employees, and all other persons in active concert or participation with him, are hereby permanently enjoined state-wide from issuing or enforcing regulations issued in connection with the COVID-19 State of Emergency declared on March 4, 2020 that impose:

1 (1) any capacity or numerical restrictions on religious worship services and
2 gatherings at places of worship, provided that if

3 (a) hospital admissions for individuals aged 1-17 suffering from COVID-19
4 rise at least 100% statewide, or at least 200% in a county with at least 10
5 hospitalizations in the prior week, in each of two consecutive weeks; or

6 (b) statewide daily case rates for COVID-19 rise above 25 cases per hundred
7 thousand persons, and the statewide four week total projected available adult
8 intensive care unit bed capacity falls below 20%,

9 the State may impose capacity or numerical restrictions on religious worship
10 services and gatherings at places of worship that are either identical to, or at least as
11 favorable as, the restrictions imposed on other similar gatherings of similar risk, as
12 identified by the Supreme Court in *Tandon v. Newsom*, 141 S. Ct. 1294 (2021),
13 *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021), *Harvest*
14 *Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021), and *Roman Catholic*
15 *Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020);

16 (2) any new public health precautions on religious worship services and
17 gatherings at places of worship not in the current guidance, unless those precautions
18 are either identical to, or at least as favorable as, the precautions imposed on other
19 similar gatherings of similar risk, as identified by the Supreme Court in *Tandon v.*
20 *Newsom*, 141 S. Ct. 1294 (2021), *South Bay United Pentecostal Church v. Newsom*,
21 141 S. Ct. 716 (2021), *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289
22 (2021), and *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020);
23 and

24 (3) any restrictions or prohibitions on the religious exercise of singing and
25 chanting during religious worship services and gatherings at places of worship
26 besides generally applicable restrictions or prohibitions included in the guidance for
27 live events and performances.
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1 This Order does not prohibit the State from issuing recommendations, best
2 practices, precautions, or other measures, as long as such promulgations make clear
3 to the public that they are voluntary and not enforceable.

4 It is further **ORDERED** that Plaintiffs should be and hereby are declared
5 prevailing parties for purposes of 42 U.S.C. § 1988; Defendant shall pay Plaintiffs
6 the sum of \$1,350,000 for Plaintiffs' reasonable attorney's fees and costs
7 necessarily incurred in this case. Pursuant to 28 U.S.C. § 1961, post-judgment
8 interest shall begin to accrue 60 days from the date this Court signs this Order;

9 It is further **ORDERED** that this action is dismissed with prejudice; and

10 It is further **ORDERED** that this Court shall retain jurisdiction over this action
11 for purposes of implementing and enforcing the final judgment.

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14 It is so **ORDERED**.

15 Dated: May __, 2021

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Hon. Jesus G. Bernal
United States District Judge

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CERTIFICATE OF SERVICE

Case Name: Harvest Rock Church, Inc., et al. Case No. 2:20-cv-06414JGB(KKx)
v. Gavin Newsom

I hereby certify that on May 10, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION REGARDING FINAL JUDGMENT ENTERING PERMANENT INJUNCTION, AWARDING ATTORNEY'S FEES AND DISMISSING ACTION

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on May 10, 2021, at Sacramento, California.

Eileen Ennis
Declarant

/s/ Eileen Ennis
Signature